

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

GENNADIY KUZMINSKIY,

Petitioner,

v.

G. MATTESON,

Respondent.

No. 2:22-cv-0041-WBS-EFB (HC)

ORDER

Petitioner, a state prisoner proceeding pro se, has filed an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On June 10, 2022, the magistrate judge filed findings and recommendations herein which were served on petitioner and which contained notice to petitioner that any objections to the findings and recommendations were to be filed within fourteen days. (Docket No. 14.) Petitioner then filed a response requesting additional time due to COVID-10 lockdowns at his facility and also stating that he objected to dismissal. (Docket No. 15.) The magistrate judge gave plaintiff an additional sixty days to respond to defendant's motion to dismiss. (Docket No. 16.) However, plaintiff did not file any response to the motion to dismiss and did not request additional time beyond those sixty days.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this

1 court has conducted a de novo review of this case. Having carefully reviewed the entire file, the  
2 court finds the findings and recommendations to be supported by the record and by proper  
3 analysis. Accordingly, the court ORDERS as follows:

- 4 1. The findings and recommendations filed are adopted in full;
- 5 2. This action is dismissed without prejudice for failure to fully exhaust state court  
6 remedies (Coleman v. Thompson, 501 U.S. 722, 731 (1991));
- 7 3. The Clerk is directed to close the case; and
- 8 4. The court declines to issue a certificate of appealability.

9 Dated: September 30, 2022



10 WILLIAM B. SHUBB

11 UNITED STATES DISTRICT JUDGE  
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